

NONPATIENT CAUSE OF ACTION

2016 GENERAL SESSION

STATE OF UTAH

LONG TITLE**General Description:**

This bill enacts provisions of the Utah Health Care Malpractice Act.

Highlighted Provisions:

This bill:

- ▶ provides requirements for a nonpatient plaintiff to establish a malpractice action against a health care provider.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

78B-3-426, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **78B-3-426** is enacted to read:

78B-3-426. Nonpatient Cause of Action.

To establish a malpractice action against a health care provider, a nonpatient plaintiff shall be required to show that:

(1) the nonpatient plaintiff suffered an injury;

(2) the nonpatient plaintiff's injury was proximately caused by an act or omission of the health care provider; and

(3) the health care provider's act or omission was conduct manifesting:

(a) knowing disregard for the safety of the nonpatient; or

(b) gross negligence that constitutes careless or reckless disregard to a degree that shows indifference to the consequences that may result.

Legislative Review Note
Office of Legislative Research and General Counsel